Office of the Commissioner of Official Languages

2011–12

Departmental Performance Report

The Honourable Peter Penashue
President of the Queen's Privy Council for Canada

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Message from the Commissioner of Official Languages

I am pleased to present the *Departmental Performance Report 2011-12*, which contains the achievements of the Office of the Commissioner of Official Languages.

Fall 2011 marked the beginning of a period of uncertainty due to public service budget cuts and their effect on the capacity of federal institutions to fulfill their official languages obligations, not to mention the entirely foreseeable impact of these cuts on the organizations and volunteers who promote linguistic duality throughout Canada. I have therefore taken every opportunity to make parliamentarians and heads of federal institutions aware of both their official languages obligations and the impacts of the budget cuts. After appearing before the House of Commons Standing Committee on Official Languages regarding the evaluation of the *Roadmap for Canada's Linguistic Duality 2008–13: Acting for the Future*[i], I realized that this initiative had been left out of the 2012 Budget. The government has since, reconfirmed its commitment to promotion of official languages and official language minority community vitality in priority sectors such as health, immigration, justice and economic development.

I participated actively in the debate surrounding the government's appointment of a unilingual senior public servant. I reiterated the importance of the knowledge of both official languages as an essential leadership skill, a skill that enables senior public servants to address their staff and the Canadian public in both official languages.

I continue to monitor federal institutions and organizations that provide services to the travelling public, including Air Canada. Weekly meetings were held with staff from Air Canada responsible for official languages to resolve investigation files. I published my audit on Air Canada[ii] in September 2011 and I conducted an audit of Parks Canada. Finally, I continued my interventions before the courts in two cases involving Air Canada and CBC/Radio-Canada to protect the language rights of the travelling public and of official language communities.

I have been taking an interest in how merchants in the National Capital Region tourist area deliver services in both official languages. My team's work in this area has fostered a public dialogue on the value of bilingualism and the recognition of equal status of both official languages.

I cordially invite you to read this report on my ongoing efforts and those of my organization to carry out my mandate and meet the expectations of parliamentarians and Canadians regarding promotion of linguistic duality and protection of language rights.

Graham Fraser

Section I: Organizational Overview

Raison d'être

The mandate of the Commissioner of Official Languages is to promote the *Official Languages Act* (the Act), oversee its full implementation, protect the language rights of Canadians, and promote linguistic duality and bilingualism in Canada.

Responsibilities

Section 56 of the *Official Languages Act* states:

> It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

Under the Act, therefore, the Commissioner has the mandate to take every measure within his power to ensure that the three main objectives of the *Official Languages Act* are met:

- the equality of English and French in Parliament, the Government of Canada, the federal administration and the institutions subject to the Act;
- the preservation and development of official language minority communities in Canada; and
- the equality of English and French in Canadian society.

The Commissioner of Official Languages is appointed by commission under the Great Seal, after approval by resolution of the House of Commons and the Senate, for a seven-year term. The Commissioner of Official Languages reports directly to Parliament.

Strategic Outcome and Program Activity Architecture

To pursue its mandate effectively, the Office of the Commissioner of Official Languages (OCOL) strives to attain its single strategic outcome through continued progress on its three interrelated program activities as follows:

Strategic Outcome	Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.	
Program Activities	1. Protection of Linguistic Rights	2. Promotion of Linguistic Duality
	3. Internal Services	

Organizational Priorities

In its *Report on Plans and Priorities 2011–12*, OCOL set four organizational priorities, for which significant progress had to be made during the year to fully support the organization's efforts to produce program outcomes in support of OCOL's strategic outcome. The key achievements for each of these priorities are set out in Section I of this report; Section II covers other accomplishments.

Priority	Type[1]	Strategic Outcome
1. Work with federal institutions and other organizations subject to the *Official Languages Act* so that they fully integrate linguistic duality as a key element of leadership.	Previously committed to	Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.

OCOL:

- Published on September 16, 2011, its Air Canada audit report to ensure that institutions subject to the Act serving the travelling public actively offer their services in both official languages. The Commissioner granted eight media interviews regarding this report, which was also discussed by the Standing Senate Committee on Official Languages in October 2011. OCOL closed 107 Complaints against Air Canada during 2011–12. It also took the initiative to audit Parks Canada, which receives many visitors in different regions of the country.
- Successfully raised federal managers' and central agencies' awareness of the leadership role they must play in terms of language of work to create a workplace conducive to the use of both official languages. In May 2011 the *Leadership Competencies Profile for Official Languages*[iii] was launched. The Clerk of the Privy Council included the *Self-Assessment Tool: Leadership Competencies for Official Languages*[iv] in the *2011 Collection of Official Languages Resources*[v].

[1] Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the subject year of the report.

This document, published on September 8, 2011, as part of Linguistic Duality Day, brings together some of the successful official languages tools and good practices developed and implemented by various public service departments, agencies, Crown corporations, regional federal councils and community groups. The self-assessment tool can also be accessed through the Web site of the National Managers' Community (http://managers-gestionnaires.gc.ca/tools-outils/tools-outils-eng.php). The Competencies Profile reached several groups and networks, including the official languages champions, through proactive distribution, Internet accessibility, and presentations to the Canada School of Public Service. Feedback from key stakeholders showed that the Competencies Profile is a useful tool that fosters behaviour that will create a bilingual workplace.

- OCOL continues to distribute *Organizing a Major Sporting Event in Canada: A Practical Guide to Promoting Official Languages*[vi] to target audiences. This guide, published in 2010–11, followed up on lessons learned from the Vancouver 2010 Winter Olympic and Paralympic Games. OCOL also met with the organizing committees of the 2013 Canada Games in Sherbrooke and the 2015 Pan American and Parapan American Games in Toronto to discuss the importance of their events fully reflecting Canada's linguistic duality. The Language Services Manager of the Host Society of the Canada Summer Games—Sherbrooke 2013 said much of the language policy of the Games had been based on the recommendations of the Commissioner's report on the 2010 Winter Olympic and Paralympic Games. The Host Society would like the Sherbrooke 2013 Canada Games to fully respect linguistic duality. An internal reflection process and meetings with Canadian Heritage have taken place to clarify everyone's roles, responsibilities and obligations in the context of organizing major sporting and cultural events. OCOL also took steps at the regional level to promote linguistic duality at sporting and cultural events, notably at the Canadian Francophone Games in Sudbury.

2. Promote among Canada's two official language communities, the value of linguistic duality as one of the key elements of Canadian identity.	Previously committed to	Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.

OCOL:

- Conducted, with its regional personnel, a large number of activities intended to promote second-official-language learning to raise awareness among young English-speaking and French-speaking Canadians, as well as key postsecondary education stakeholders, of the importance of linguistic duality and bilingualism. OCOL has also begun to make the media more aware of the importance of learning both official languages in postsecondary education; it has encouraged media organizations that evaluate the performance of universities to make second language learning opportunities for students an evaluation criterion. The Commissioner met with representatives of the *Maclean's* magazine education section to discuss these issues and his recommendation was well received.
- Developed a communications strategy to make appropriate and effective use of social media to communicate with postsecondary students from majority communities. The strategy, which will begin in 2012–13, will use Facebook and Twitter to disseminate information. OCOL will also

continue to reach youth through awareness activities and the distribution of promotional products such as posters for schools. OCOL has also created a new editor for its interactive map[vii] to update the database on language learning opportunities in postsecondary institutions in 2012–13.

- Has begun to apply its 2011–13 strategy for promoting linguistic duality at the municipal level. The strategy has three components: national, Ottawa (national capital) and international. The Commissioner has communicated with the Mayor of Ottawa regarding the importance of the bilingual face of the national capital, and he took this opportunity to summarize his observations regarding service delivery in both official languages in the national capital tourist region. For the purposes of this exercise, undercover evaluators posed as customers to see if services to the public were available in French in parts of Ottawa normally visited by tourists. The same exercise was carried out in Gatineau to see if the hypothetical tourists could be served in English.

3. Support official language minority communities in order to foster their development and vitality.	Previously committed to	Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.

OCOL:

- Continued its interventions before the courts in two cases in order to protect the language rights of the travelling public and official language communities.
  - In *Thibodeau v. Air Canada*, the Federal Court handed down its ruling in July 2011 and confirmed the quasi-constitutional status of the Act and its precedence over other legislation. The Court also concluded that Air Canada and Jazz have not yet developed the reflex of proactively implementing all the tools and procedures needed to fulfill their language obligations. The Court therefore ordered Air Canada to pay Mr. and Ms. Thibodeau $6,000 each in damages and $6,982.19 in costs, including disbursements. Air Canada appealed this decision and the hearing before the Federal Court of Appeal was held in April 2012.
  - In fall 2011 the court remedy initiated by the Commissioner against CBC/Radio-Canada was heard. The purpose of the court remedy was to recognize the Commissioner's jurisdiction to investigate complaints regarding CBC/Radio-Canada's obligations under the Act and to clarify the interpretation and application of Part VII. This remedy was filed with the Federal Court following an investigation by the Commissioner that found that CBC/Radio-Canada did not fulfill its obligations under Part VII of the Act. It did not consult the Southwestern Ontario Francophone community and did not take into account the negative impact of its decision to make major cuts to CBEF Windsor and eliminate three programs produced in Windsor. In March 2012 the Court heard the parties to determine whether the questions at issue fell under OCOL's jurisdiction.
- Published in October 2011 its *2010–11 Annual Report*, the main theme of which was Part VII of the Act. Promotional activities related to the release of this report also led to greater

understanding of Part VII in the federal administration and among the Canadian public. In addition, OCOL organized a number of presentations and activities on Part VII in federal institutions, such as the Treasury Board Secretariat of Canada, Canadian Heritage, Natural Resources Canada and Citizenship and Immigration Canada. Part VII of the Act sets out federal obligations regarding official language minority community development and the recognition and use of the two official languages in Canadian society.		
4. Strengthen organizational capacity by applying sound management principles and practices in support of corporate priorities.	Previously committed to	Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.
OCOL: - Published three internal audit reports: – *Audit of Integrated Planning Practices* in April 2011[viii]. The objective of this audit was to determine whether OCOL had an adequate, effective and rigorous integrated planning process to align resources with organizational priorities and objectives. In response to the 11 recommendations issued in this audit, an action plan was implemented and, as of March 31, 2012 only one recommendation remained, regarding revising the performance measurement framework. – *Audit of Parliamentary Relations* in June 2011[ix]. In response to this audit OCOL developed an action plan to follow up on the five recommendations. A parliamentary affairs management framework was developed that outlined key activities and assigned responsibilities to the unit in question as well as other groups within the organization. – *Audit of the Regional Pilot Project 2012* in January 2012[x]. The report examined the effectiveness of the control framework for the activities of the Ontario regional offices. In light of the six recommendations made in this audit, management established an action plan to strengthen the effectiveness of the strategy and plans for the pilot project in the other regions. An initial progress report is expected in July 2012. - Improved certain governance mechanisms to strengthen its accountability: integrated guidelines were prepared in 2011–12 to harmonize operational planning and budget processes, and certain targets were added to the performance measurement framework, specifying the levels expected for 2012–13. - Developed and implemented a resource optimization strategy that follows upon the 2010–11 A-base review and seeks to fully support the organization's priorities. In concrete terms the strategy involves evaluating and documenting business processes to increase their efficiency, implementing service standards for receiving and managing complaints, and approving as a model the Ontario region pilot project, which aims to optimize regional offices' intervention opportunities.		

Risk Analysis

The work environment risk factors that influenced OCOL's performance in 2011–12 are briefly analyzed below to provide context for this report.

The inadequacy of OCOL's information management and information technology (IM/IT) systems, infrastructure and support remains the organization's greatest risk. OCOL highlighted this risk for the first time in 2008–09 and prepared its first ever IM/IT strategic plan for 2008–13. This plan was put in place to the extent that financial resources permitted. However, OCOL needs to invest more to upgrade its deteriorating applications: case management (primarily complaints), correspondence management and online service.

The IT infrastructure upgrade now provides better performance and more flexibility if one of the base systems should fail. However, the key applications are still exposed to high risk.

OCOL has made considerable efforts to arrive at a more integrated performance management approach by providing training and by developing tools for managers in areas such as risk management awareness and practices, business processes, internal audit activities and performance measurement. OCOL was able to incorporate budget data into its operational planning and thereby provide management with an integrated overview of the efforts made by the organization.

To mitigate the risk associated with the perception that the Act is less important or less relevant in recent years, OCOL has strengthened official languages leadership and continued to introduce new approaches, notably by undertaking more proactive interventions and using more targeted strategies for intervening with certain federal institutions. OCOL has developed a strategy on the external use of social media and will be implementing it in 2012–13. By evaluating its strategic interventions, OCOL ensures its actions target federal institutions—whether through the Commissioner's speeches, meetings with steering committees and the management of federal institutions, or through regional federal councils—with the goal of increasing awareness among local communities, the general public and federal institutions.

Since 2010–11 the Government of Canada has asked federal institutions to absorb salary increases set out in the collective agreements. This measure also affects OCOL, which in 2011–12 implemented the action plan resulting from its service review optimization strategy, which aims to optimize its processes.

Summary of Performance

2011–12 Financial Resources ($000)

Planned Spending	Total Authorities	Actual Spending[2]
20,659	23,316	22,355

2011–12 Human Resources (full-time equivalents—FTEs)

Planned	Actual	Difference[3]
177.5	161.1	16.4

Summary of Performance Tables

Progress Toward Strategic Outcome

Strategic Outcome: Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.	
Performance Indicators	**2011–12 Performance**
Extent to which recommendations (made through audits, investigations and annual reports) are implemented within two years after their tabling.	**Implementation of investigation recommendations** As an ombudsman, the Commissioner of Official Languages is responsible for ensuring that federal institutions respect the language rights of the general public and of their employees. When a complaint is filed with the Office of the Commissioner, it conducts an investigation, with the complainant's consent, based on the facilitated resolution process (the approach used for 68% of admissible complaints) to help the federal institution resolve the situation. If this does not work, a formal investigation is conducted and a decision is made on whether the complaint is founded. If it is determined that the complaint is founded, the Commissioner can issue recommendations, as required, to help the federal institution resolve the situation. Depending on the nature of the complaint, the investigation can follow the formal investigation process from the beginning. In 2009–10 only one of the 23 investigations completed under the

[2] OCOL's actual spending totalled $22.4 million, which is $0.9 million less than its total appropriations. This unused amount represents what was carried forward to 2012–13 and what is attributable to ongoing risk management while awaiting a response to OCOL's Treasury Board submission on information technology.

[3] FTE use is proportional to the salary resources available to OCOL. Consequently, OCOL could not use the total planned FTEs.

	formal investigation process included recommendations. OCOL followed up to determine to what extent the two recommendations had been implemented. As of March 31, 2012, one of the two recommendations had been implemented by the institution in question; the second should be implemented by fall 2012. **Implementation of audit recommendations** In March 2012 OCOL conducted a follow-up audit to determine to what extent the recommendations of the 2009 audit had been implemented and to measure the progress made by Agriculture and Agri-Food Canada in delivery of services to the public. It found that three recommendations have been implemented, two have been partially implemented and three have not yet been implemented. This audit follow-up will be published in 2012–13. The follow-up to the audit of the Halifax International Airport Authority, also published in 2009–10, will begin in fall 2012. **Implementation of Annual Report recommendations** The Commissioner's *2008–09 Annual Report*[xi], released in May 2009, included six recommendations. As of March 30, 2012, OCOL's follow-up with the federal institutions to which these recommendations were made found that 20% of the recommendations had been implemented. In summer 2012 a further follow-up will be carried out with the federal institutions that failed to act on the Commissioner's recommendations and those that have not yet implemented them.
Frequency and impact of opportunities used by OCOL to promote linguistic duality.	To promote linguistic duality in Canadian society, the Commissioner undertook a wide range of actions: • Three appearances before parliamentary committees regarding the *2010–11 Annual Report* and Volume II of the *2009–10 Annual Report*, the evaluation of the *Roadmap for Canada's Linguistic Duality*, and the Standing Senate Committee on Official Languages' study on the use of the Internet, new media, social media, and respect for language rights. These appearances produced concrete results, including 38 references to the Commissioner's work in reports published by these committees and a change in direction regarding the Minister of Canadian Heritage's obligation to hold his own consultations on the renewal of the *Roadmap for Canada's Linguistic Duality*. • The Commissioner gave 57 speeches, participated in 12 events as a speaker, and granted more than 50 media interviews.

	• OCOL representatives participated in more than 37 events throughout Canada. • The Commissioner met with the Prime Minister, more than 20 ministers and senior officials from departments and central agencies, as well as heads of major businesses to launch the *2010–11 Annual Report*, prepare the *2011–12 Annual Report*, discuss audit and investigation reports, and respond to the government's initiative on the deficit reduction. • Canadian newspapers published four opinion pieces by the Commissioner: one on the importance of CBC/Radio Canada in December 2011 in the *National Post* and *Le Droit*, one on the continuing relevance of both official language communities in the national sphere (February 2012, *National Post*), another (March 2012, *Ottawa Citizen*) on the importance of bilingualism for leaders in Canadian society, and one (November 2011, *Calgary Herald)* on the Commissioner's vision of bilingualism.

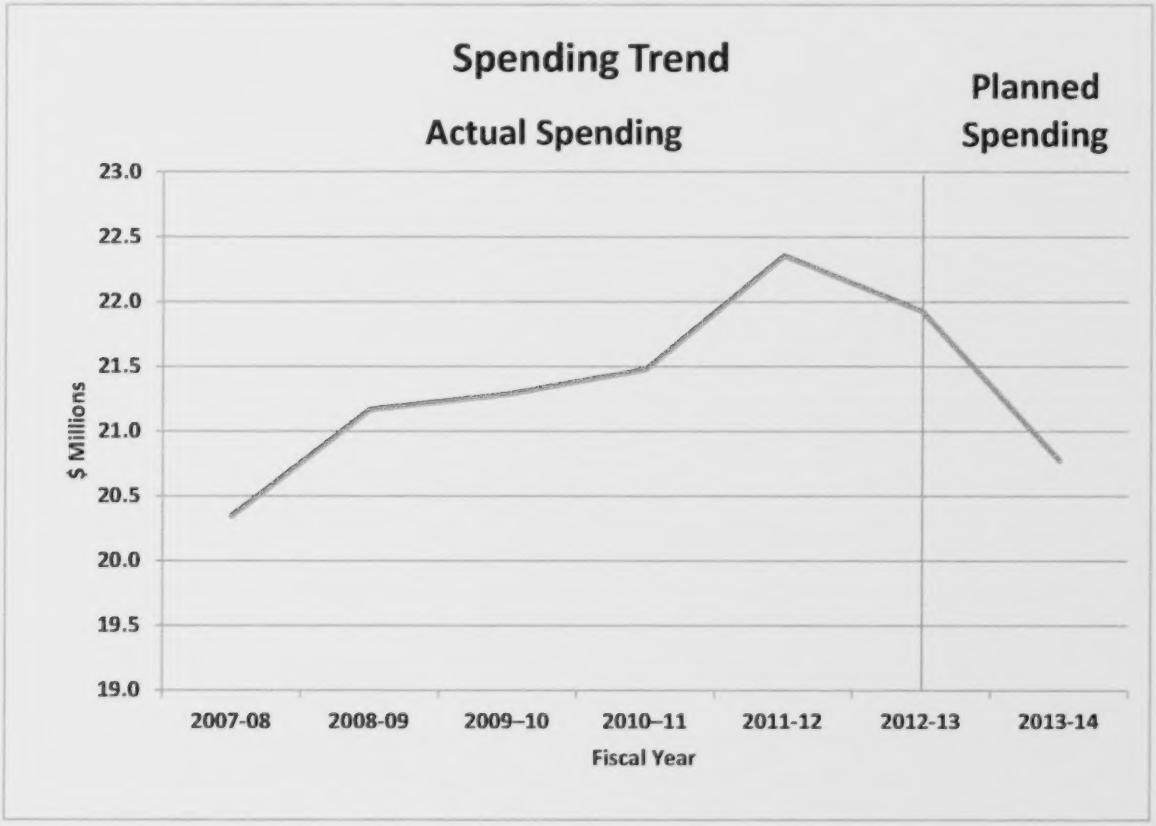
Performance Summary, Excluding Internal Services

Program Activity	2010–11 Actual Spending ($000)	2011–12 ($000)				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Protection through Compliance Assurance	6,558	6,910	6,910	7,938	7,059	A transparent, accountable, and responsive federal government
Promotion through Policy and Communications	6,355	7,243	7,243	7,766	6,537	
Total	12,913	14,153	14,153	15,704	13,596	

Performance Summary for Internal Services

Program Activity	2010–11 Actual Spending ($000)	2011–12 ($000)			
		Main Estimates	Planned Spending	Total Authorities	Actual Spending
Internal Services	8,565	6,506	6,506	7,612	8,759

Expenditure Profile



Estimates by Vote

For further information on OCOL's organisational vote and/or legislative expenditures, please see the *Public Accounts of Canada 2012* (Volume II). An electronic version of the Public Accounts 2012 is available on the Public Works and Government Services Canada's Web site[xii].

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Canadians' rights under the *Official Languages Act* are protected and respected by federal institutions and other organizations subject to the Act; and linguistic duality is promoted in Canadian society.

OCOL has only one strategic outcome, which is supported by three program activities and their expected results. This section is organized by program activity. Each sub-section:

- Describes what the program activity consists of (in accordance with the description in Part II of the Estimates);
- Sets out the human and financial resources planned and used for each program activity in 2011–12;
- Describes the progress made compared with expected results and performance indicators;
- Provides an overall analysis of OCOL's performance in 2011–12 and lessons learned.

Note that a number of performance targets were established and implemented in 2011–12 and these targets are presented in this report under the first two program activities.

Program Activity 1: Protection of Linguistic Rights

Through this program activity, OCOL investigates complaints filed by citizens who believe their language rights have not been respected, evaluates compliance with the *Official Languages Act* by federal institutions and other organizations subject to the Act through performance measurements and audits, and intervenes proactively to prevent non-compliance with the Act. As well, the Commissioner may intervene before the courts in cases that deal with non-compliance with the *Official Languages Act*.

2011–12 Financial Resources ($000)

Planned Spending	Total Authorities	Actual Spending[4]
6,910	7,938	7,059

[4] In 2011–12, actual spending was lower than total appropriations because of structural reorganization in response to the recommendations of the 2010–11 A-base review for the benefit of the Internal Services program activity.

2011–12 Human Resources (FTEs)

Planned	Actual	Difference
68.0	56.4	11.6

Performance Summary

Expected Results	Performance Indicators	Targets	Actual Results
Canadians receive timely and appropriate responses to their complaints, requests for intervention and inquiries.	Complaint reception processing: three business days to transfer the complaint to an analyst	90%	**Complaint reception** OCOL received 643 complaints, 518 of which were admissible, 38 requests for information regarding organizations subject to the Act, and 28 intervention requests. An average of 89% of complaint files were processed by the Complaint Reception Centre and forwarded to an analyst within the three days set out by the reception service standard.
	Communication between analyst and complainant: two business days	90%	**Initial communication with the complainant** The standard for initial communication between the analyst responsible for the file and the complainant, within two days of the analyst receiving the complaint, was met an average of 80% of the time.
	Facilitated resolution process: 90 business days.	75%	**Closing complaint files** OCOL processed 667 files, some of which had been opened in previous years: 46% of complaint files under the facilitated resolution process were closed within the standard of 90 business days.
	Formal investigation process	Effective 2012–13	Measurement of whether formal investigation process complaints meet the service standard of 175 business days will begin in April 2012 and will be reported in the next *Departmental Performance Report.*
	Percentage of information	80% in less than 30 calendar	**Responses to information requests from the public**

	requests from the public answered	days	OCOL received 137 requests for information from the public. It processed 84% of them within the standard of 30 calendar days.
	Review and analysis of a sample of investigation files	95% of a sample of files	**Investigation process** A sample of 15 hard files of closed investigations was evaluated monthly to determine how complete they were. This is a key factor in assessing the quality of the investigation process. We found that 88% of files were complete (based on the completeness checklist). The hard file quality assurance methodology was revised in March 2012 to clarify certain steps in verifying the completeness and quality of the files.
Federal institutions and other organizations subject to the *Official Languages Act* are fully aware of the extent of their linguistic compliance obligations under the Act and what they need to do to fulfill these obligations.	Percentage of audit, annual report and investigation compliance recommenda-tions followed up on	100%	**Implementation of investigation recommendations** In 2009–10 only one of the 23 investigations completed under the formal investigation process included recommendations. OCOL followed up on the two recommendations (100%) to determine whether they had been implemented. As of March 31, 2012, one of the two recommendations had been implemented by the institution in question; the second should be implemented by fall 2012. **Implementation of audit recommendations** In March 2012 OCOL completed a follow-up audit to determine to what extent the recommendations of the 2009 audit had been implemented and to measure the progress made by Agriculture and Agri-Food Canada in delivery of services to the public. It found that three recommendations had been implemented, two had been partially implemented and three had not yet been implemented. This audit follow-up will be published in 2012–13. **Implementation of Annual Report recommendations** The Commissioner's *2008–09 Annual Report*[xiii], which was released in May 2009, included six recommendations. As of March

			30, 2012, OCOL's follow-up with the federal institutions to which these recommendations were made found that 20% of the recommendations had been implemented. In summer 2012 a further follow-up will be carried out with the federal institutions that failed to act on the Commissioner's recommendations and those that have partially implemented them. **Report cards** OCOL evaluated 16 institutions for the 2009–10 report cards, which were published in 2010–11. OCOL met with some of these institutions to make them aware of their obligations in order to improve their performance. Of these 16 institutions, 11 established an action plan for official languages. In total, 16 institutions appeared before the House of Commons Standing Committee on Official Languages.

Performance Summary and Analysis of Program Activity 1: Protection of Linguistic Rights

In 2011–12 OCOL revised its service standards for investigations and set related performance targets. They are presented here to show how OCOL is improving productivity in its processing of complaints.

As the table above illustrates, OCOL is nearing its targets. For example, 89% (on average) of complaints received were processed by the Complaint Reception Centre and forwarded to an analyst within the three days prescribed by the service standard on reception; the target is 90%. The standard for initial contact with the complainant by the analyst is within two days of the analyst's receipt of the file; this was achieved 80% of the time, the target being 90%. OCOL is using monthly statistics to monitor the targets, as well as the measures being taken to improve the investigative process.

On average only 46% of complaints dealt with through the facilitated resolution process were closed within 90 business days. However, there was a notable improvement in performance from month to month: the percentage rose from 17% at the beginning of the exercise to 64% at the end. This improvement is partly attributable to the implementation of the standards and ongoing staff training.

With regard to the quality of the investigation process, 88% of the files reviewed were complete, the target being 95%. The quality assurance methodology for hard files was revised in March 2012 to clarify certain steps in checking completeness and quality.

As for the implementation of recommendations from investigations, audits and the Annual Report, follow-ups show that institutions did act on certain recommendations, but further follow-up will be done with the institutions that failed to act on recommendations and those that had not finished doing so.

With regard to protecting language rights, OCOL undertook initiatives in support of its organizational priorities, and the table on priorities in Section I of this report shows the principal achievements arising from the organization's work in this regard. Aside from these achievements, OCOL:

- Published in its *2010–11 Annual Report*[xiv][5] an analysis of how 13 federal institutions fared in meeting their obligations under Part VII of the Act. These institutions were selected because they provide significant funding to Canadians and to volunteer organizations. In most cases, they had little difficulty providing services in both official languages, though active offer in person continued to be a problem. Also, some institutions were open to dialogue with the official language communities and were making efforts to promote community vitality, but others showed a considerable lack of awareness of their obligations in this regard.
- Continued the audit of Industry Canada begun in 2010–11 to determine the extent to which this institution takes account of official language community needs when creating and carrying out its programs. The report will be published in 2012–13.
- Organized meetings with executives of the Canada Border Services Agency (CBSA) and the Canadian Air Transportation Security Authority (CATSA) as part of OCOL's travelling public strategy. Observations were made on site, and meetings were held with CATSA and CBSA staff at certain airports and at certain CBSA land ports of entry in order to make them aware of their language obligations when serving the travelling public.
- Met with certain airport authorities to discuss and clarify their language obligations. In connection with this, the Commissioner contacted the Minister of Transport to articulate his position, following up on the recommendation in his *2010–11 Annual Report* that the Minister clarify the language obligations of airport authorities.

Lessons Learned

OCOL made a considerable effort to reduce the number of pending investigations. It conducted three one-week blitzes that helped staff complete work on a significant number of complaints. The initiative to improve productivity will culminate in 2012–13 in the establishment of a quality assurance function for the main compliance assurance activities, i.e., investigations, audits and report cards. This will facilitate an improved understanding of both the results achieved and any corrective steps required. Quality assurance activities will target investigatory processes first.

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[5] This report also underlies the program activity on promoting linguistic duality.

The selection of federal institutions for audits and report cards is based on OCOL's priorities and on current hot issues in the field of official languages. To make the most of resources and maximize benefits for Canadians, this approach will continue in 2012–13. Notably, 2011–12 also saw OCOL formulate recommendations that were more readily measurable by federal institutions, an approach the Commissioner plans to pursue in 2012–13 to help institutions more fully implement his recommendations.

Program Activity 2: Promotion of Linguistic Duality

Through this program activity, OCOL works with parliamentarians, federal institutions and other organizations subject to the *Official Languages Act*, official language communities and the Canadian public in promoting linguistic duality. OCOL builds links between federal institutions, official language communities and the different levels of government to help them better understand the needs of official language communities, the importance of bilingualism and the value of respecting Canada's linguistic duality. In the context of fulfilling its promotion role, OCOL conducts research and studies and undertakes public awareness activities, and intervenes with senior federal officials so that they instill a change in culture to fully integrate linguistic duality in their organizations.

2011–12 Financial Resources ($000)

Planned Spending	Total Authorities	Actual Spending[6]
7,243	7,766	6,537

2011–12 Human Resources (FTEs)

Planned	Actual	Difference
54.0	52.1	1.9

Performance Summary

Expected Results	Performance Indicators	Targets	Actual Results
Parliament receives useful	Number of references to the	10 during the year	**Appearances in Parliament** The Commissioner spoke to parliamentarians

[6] In 2011-12, actual spending was lower than total authorities because of structural reorganization in response to the recommendations of the 2010–11 A-base review for the benefit of the Internal Services program activity.

advice and information about the official languages implications of evolving legislation, regulations and policies.	Commissioner's interventions (appearances before parliamentary committees and other presentations to members of Parliament) concerning the wording of or changes to laws, policies and regulations		about the need to protect language rights and promote linguistic duality in the aftermath of appointments following the federal election of May 2, 2011. The Commissioner appeared twice before the House of Commons Standing Committee on Official Languages, on one occasion about the *2010–11 Annual Report* and on the other occasion about the evaluation of the *Roadmap for Canada's Linguistic Duality* (improvement of programs and service delivery). He also appeared once before the Senate Standing Committee on Official Languages, speaking about his *2010–11 Annual Report* and about the Senate study on use of the Internet, new media, social media and respect for language rights. This promotional work had the following specific impacts. In the course of the year, the Standing Senate Committee on Official Languages published two reports that highlight OCOL's work: *The Vitality of Quebec's English-speaking Communities: from Myth to Reality*[xv], which mentions OCOL 14 times; and *Air Canada's Obligations under the* Official Languages Act: *Towards Substantive Equality*[xvi], which cites the Commissioner 24 times. Following up on the Commissioner's appearance before the House of Commons Standing Committee on Official Languages, the Minister of Official Languages announced that Canadian Heritage would conduct cross-Canada consultations on the renewal of the *Roadmap for Canada's Linguistic Duality* in order to fulfill his obligations under subsection 43(2) of the Act to consult with communities.
The public, official language minority communities, the media, and	Number of promotional or outreach activities directed at the pubic, official	270 during the year	**Communications with the public and the media** In addition to the outreach opportunities mentioned in Section I of this report (57 speeches, 12 conferences and 50 interviews, for a total of 119 activities), the Commissioner

federal institutions and other organizations subject to the *Official Languages Act* have access to information and tools to understand official language rights and obligations and the importance of linguistic duality in Canada.	language minority communities, the media, and organizations subject to the Act		met with the Prime Minister, with federal ministers as well as with senior officials for a total of 26 meetings. OCOL increased direct communication with the public by broadening the reach of its existing methods of communication. OCOL is also preparing to make new tools available on-line to further enhance communication. Here are a few examples of OCOL's official languages promotion efforts this year: • News Canada/L'édition Nouvelles (a content distributor): two general-interest articles promoting Canada's official languages and referencing the interactive map[xvii] on the OCOL Web site. The articles, available in both official languages, were also translated into Chinese (traditional characters), Punjabi and Arabic, enabling OCOL to reach out to ethnic groups, as well as official language communities. The articles appeared in 33 publications, representing 4.5 million prospective readers. • Information booths: OCOL reached a broad audience during 37 activities (9 of national scope, 27 regional and 1 international). • *Beyond Words/Au-delà des mots*: From April 2011 to March 2012, OCOL published 15 issues of its newsletter, reaching 1,422 subscribers. **Liaising with official language communities** Working with the Société de l'Acadie du Nouveau-Brunswick and the Office of the Commissioner of Official Languages for New Brunswick, OCOL's Atlantic regional office took part in outreach sessions on language rights for French-speaking newcomers to Canada. The purpose was to inform newcomers about their right to be served in the official language of their choice by the various

			institutions of the federal and provincial governments. The sessions were held in several regions of New Brunswick. The leaders of Quebec's English-speaking communities are grateful for the information and support they received from the OCOL regional office in Quebec concerning the rights of their members under Part VII of the Act, as well as the opportunities afforded by the *Roadmap for Canada's Linguistic Duality*. The Quebec Community Groups Network invited the Commissioner's representative in Quebec to lead a discussion that brought together representatives of the English-speaking communities during the meeting of regional and national coordinators responsible for section 41 of the Act, which took place in Montréal on June 16, 2011. The OCOL regional office in Alberta is working to improve relationships and cooperation between the province's Francophone associations and the Department of National Defence in order to increase awareness of French-language services available in the Edmonton area, a matter related to Parts IV and VII of the Act. In the spring of 2011 significant improvement was noticed in the information made available to the Edmonton Garrison about the Alberta Francophone community, and there were more activities in French for Francophone and Francophile members of the Garrison and their families. The Commissioner's representative in Manitoba and Saskatchewan and the OCOL liaison officer took part in the Manitoba and Saskatchewan RCMP Tables and offered their expertise at meetings of the Committee of Official Languages Leaders of the Federal Council of Saskatchewan, which brings together the two levels of government and the community (tripartite meetings). At OCOL's request, the Saskatchewan Francophone community presented their plan of activities for Year of the

			Fransaskois (2012) to the Leaders Committee, and this led to an invitation from the Saskatchewan Federal Council. Subsequently certain government departments and agencies organized activities as part of the Year of the Fransaskois (2012). OCOL's regional offices monitored a number of issues of interest. They tracked developments and impacts stemming from the *Roadmap for Canada's Linguistic Duality*. They also held discussions with representatives of official language communities on current issues in such areas as health, the arts, culture and the economic development related to federal government support. Finally, OCOL organized regional outreach and information events for the release of the Commissioner's *2010 11 Annual Report*.
Canadian public policy is influenced by research and analysis on language rights and linguistic duality issues.	Number of studies published	1 during the year	**Research and studies** The *Report on the Manitoba forum on the continuum of second-language learning opportunities* was published in May 2011[xviii]. The Commissioner's October 2009 study *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*[xix] served as the backdrop to the forum, which was organized with the Manitoba branch of Canadian Parents for French. The purpose of the forum was to discuss issues raised by the study and to start a dialogue with participants with a view to improving second-language learning opportunities at Manitoba's universities. Two studies will be published in 2012–13: • on Anglophone seniors in Quebec and federal services provided to Canadian seniors; • on language training in the federal public service.

Performance Summary and Analysis of Program Activity 2: Promotion of Linguistic Duality

OCOL continued to inform parliamentarians about key issues. As a result, OCOL's work was mentioned 38 times in parliamentary reports—far surpassing its annual target of 10 mentions.

Throughout the year, the public, the media and the official language communities as well as federal institutions were informed about their rights and obligations under the Act. All in all, 230 activities are reported on the table above, and there were other activities not mentioned. These activities reached a very large audience and helped increase Canadians' awareness (both Anglophones and Francophones), especially post-secondary students, of the importance of linguistic duality and bilingualism.

In October 2011 OCOL published its *2010–11 Annual Report*[xx], which dealt mainly with Part VII of the Act. As intended by the communications strategy for the launch of this report, the media reported the Commissioner's concerns about possible impacts of government budget cuts. There were several reports of the Commissioner's appeal to the federal government to take care that the cuts not affect official languages programs.

The Commissioner delivered speeches to a variety of audiences: majority communities (students, professors, immersion and second-language teachers), public servants, minority communities and others. His six key messages were:

- linguistic duality is truly a Canadian value, not just an administrative requirement;
- bilingualism is essential in management because leaders need to understand the people they are leading and communicate with them;
- both official languages belong to all Canadians and make it possible to build bridges among Canadians;
- in the federal public service, the relationship with the other official language is a matter of respect: for the public, for colleagues and for parliamentarians;
- linguistic duality needs to be seen as a way of giving all Canadians an opportunity to participate in the governance of their country;
- government budget cutbacks should not impact the official languages program.

OCOL stepped up its direct communications with the public, broadening the reach of its existing methods of communication and preparing to make new tools available on-line that will have an even greater impact.

OCOL established a new research framework that will better support its strategic priorities and help make the most of investments in human and financial resources. The organization will develop a three-year research plan in 2012–13. The performance target of one study during the year was achieved.

OCOL reacted rapidly to new issues in the headlines. For example, to reduce the potentially negative fallout of OCOL's evaluation findings on the ability of Ottawa merchants to provide bilingual service to tourists, the Commissioner gave several interviews to the print and electronic media. He also wrote an opinion piece explaining the usefulness of such a survey. The swiftness and clarity of the Commissioner's response laid the groundwork for a public debate on the value of bilingualism in the national capital, a conversation that went beyond the framework of the evaluation.

With regard to promoting linguistic duality, OCOL undertook initiatives in support of its organizational priorities, and the table on priorities in Section I of this report summarizes the principal achievements arising from the organization's work in this regard. In addition to these achievements, OCOL:

- Held in 2010–11, a positioning day on Part V of the Act (language of work) for social media representatives. Although a second day had been planned in 2011–12, it did not take place due to a lack of resources. Therefore, the second positioning day is being planned for 2012–13 and it will be on Part IV, concerning the use of social media in communications with and services to the public. These positioning days give the organization an opportunity to develop reference tools for its staff so that they will have a better understanding of the application of the Act to the use of social media.

- Began work on a study of the bilingual capacity of provincial and territorial superior court judges, who are selected and appointed by the Government of Canada. The purpose is to obtain a picture of the situation and make recommendations to improve access to justice in both official languages. In order to be representative of the country, the study will look at superior courts and appeal courts in six provinces: Ontario, Quebec, Manitoba, Alberta, New Brunswick and Nova Scotia. As planned, the study will be carried-out in 2012–13 and the results will be made public in early 2013–14.

- Organized a discussion forum on the connection between linguistic duality and cultural diversity in Halifax in November 2011. This was a follow-up to the forums held in Toronto in 2007 and in Vancouver in 2008. Its purpose was to extend OCOL's understanding of the relationship between cultural diversity and linguistic duality through active research. The forum identified four major types of action to be undertaken: increase access to language training in both official languages for adult newcomers; develop an information kit for newcomers wishing to settle in the Atlantic region to help them prepare for their arrival in Canada; foster greater cooperation between organizations that provide services to English-speaking newcomers and organizations that provide services to French-speaking newcomers; and make service providers and ethnic communities aware of linguistic duality and promote it to them.

Lessons Learned

The importance and relevance of OCOL's outreach work on linguistic duality come into sharp relief in the current context of public service budget cuts, as federal institutions must make the kinds of difficult choices that could affect their language obligations.

OCOL's activities this year expanded its contact with linguistic majority communities. A presence on Facebook and Twitter, beginning in fall 2012, will allow the organization to communicate with a larger segment of the population.

Finally, although five years have elapsed since the amendments to the Act, federal institutions are still having difficulty understanding and putting into practice their obligations under Part VII.

Program Activity 3: Internal Services [7]

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services, Communications Services, Legal Services, Human Resources Management Services, Financial Management Services, Information Management Services, Information Technology Services, Real Property Services, Material Services, Acquisition Services, and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

2011–12 Financial Resources ($000)

Planned Spending	Total Authorities	Actual Spending[8]
6,506	7,612	8,759

2011–12 Human Resources (FTEs)

Planned	Actual	Difference
55.5	52.6	2.9

Performance Summary and Analysis of Program Activity 3: Internal Services

Internal Services support OCOL's first two program activities. In 2011–12 OCOL made progress on its management priority of strengthening its organizational capacity by applying sound management principles and practices in support of its priorities. The table of priorities in Section I of this report shows the principal achievements arising from the organization's work in this regard. Aside from these achievements, OCOL:

[7] As court remedies are provided for under the Act, legal services are not part of internal services at OCOL and are part of the first program activity: Protection through Compliance Assurance. In addition, in light of their specific mandate, OCOL's communications services are not part of internal services, but are part of the second program activity: Promotion through Policy and Communications.

[8] In 2011–12 spending was greater than total appropriations due to a reallocation of resources from the first and second program activities.

Updated its governance mechanisms to enable reporting that takes account of the organization's independent status:

- The integrated planning exercise was improved, as was access to financial and non-financial information, to better inform decision-making and optimize resource allocation. Alignment of planning with financial resources is well under way and this work will continue in 2012–13.
- Pursuant to the *Public Servants Disclosure Protection Act*, OCOL developed a Code of Conduct based on the one created by the Treasury Board of Canada Secretariat.
- OCOL revised its service standards for investigations. Several performance indicators were closely tracked, using a monthly dashboard for managers and executives.
- Evaluation of the performance measurement framework will be completed in 2012–13.

OCOL's Audit and Evaluation Committee (AEC) produced the fourth annual report of its external members, which noted that over the past five years the organization had made considerable progress in the areas of financial management, risk management and controls. No significant problems were found, but opportunities to improve were pointed out in the following areas: integrated planning practices, parliamentary relations and the Ontario regional pilot project. The AEC looked at progress in implementing the action plans arising from the following internal audits: human resources management practices, IM/IT governance, integrated planning and parliamentary relations.

Developed and implemented an optimization strategy to follow up on the A-base review. The strategy was initiated in 2010–11 to provide full support to the organization's priorities:

- OCOL continued to implement the IM/IT Strategic Plan to the extent that funding allowed. The updating of Module 1, which concerns the management of electronic documents, was an opportunity to update governance instruments and thus improve management of electronic information in accordance with the Directive on Recordkeeping.
- OCOL evaluated and documented certain business processes, leading to several improvements, including a process to track recommendations for investigatory purposes, guidelines for the Complaint Reception Centre, better tools for measuring compliance by federal institutions and other organizations subject to the Act, and rationalization of operations in all three program activities.
- Human Resources Directorate carried out an organizational design exercise in response to the recommendations of the A-base review. Implementation will continue in 2012–13.
- For the eighth consecutive year, OCOL received an unqualified opinion from the Auditor General of Canada after its 2010–11 financial statements were audited.

Lessons Learned

OCOL's Audit and Evaluation Committee provided useful strategic advice about ongoing improvements to management practices and internal controls.

Over the period covered by this report, significant changes continued to occur in the area of information management, with effects on staff work habits. A change implementation strategy and a communications plan, with input from the relevant management teams, have already yielded positive results. This is a long-term effort that recognizes the organization's capacities and limitations and the resources available to bring about the sought-after changes.

In response to the Public Service Commission Entity Audit, in terms of lessons learned, OCOL's Human Resources Directorate created an action plan that will establish an active monitoring function in 2012–13 for all sectors of human resources management.

Section III: Supplementary Information

Financial Highlights

In the previous sections, OCOL reports its actual spending based on government funding as in the Public Accounts of Canada. In the current section, the financial information is presented on an accrual accounting basis as the one used for the preparation of its financial statements.

Condensed Statement of Financial Position (audited)
As at March 31, 2012
($000)

	Change %	2011–12	2010–11
Total net liabilities	(24)	4,065	5,381
Total net financial assets	18	1,809	1,528
Total net debt	(41)	2,256	3,853
Total non-financial assets	(40)	795	1,321
Net financial position	(42)	(1,461)	(2,532)

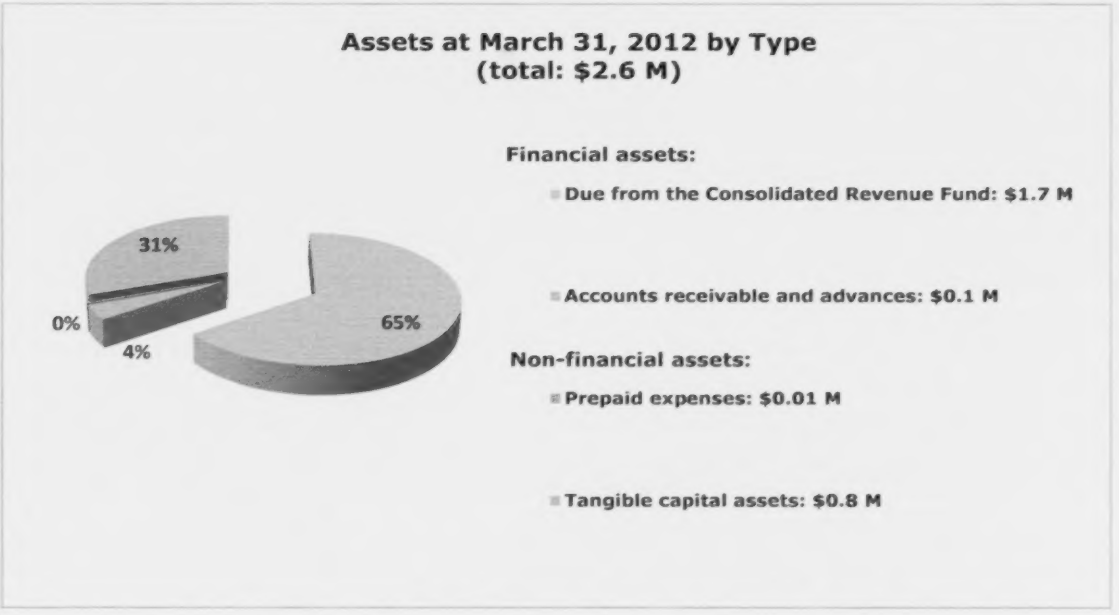
OCOL's net financial situation improved in 2011–12. Liabilities and net debt declined because several eligible employees elected to take all or part of their accumulated severance benefits.

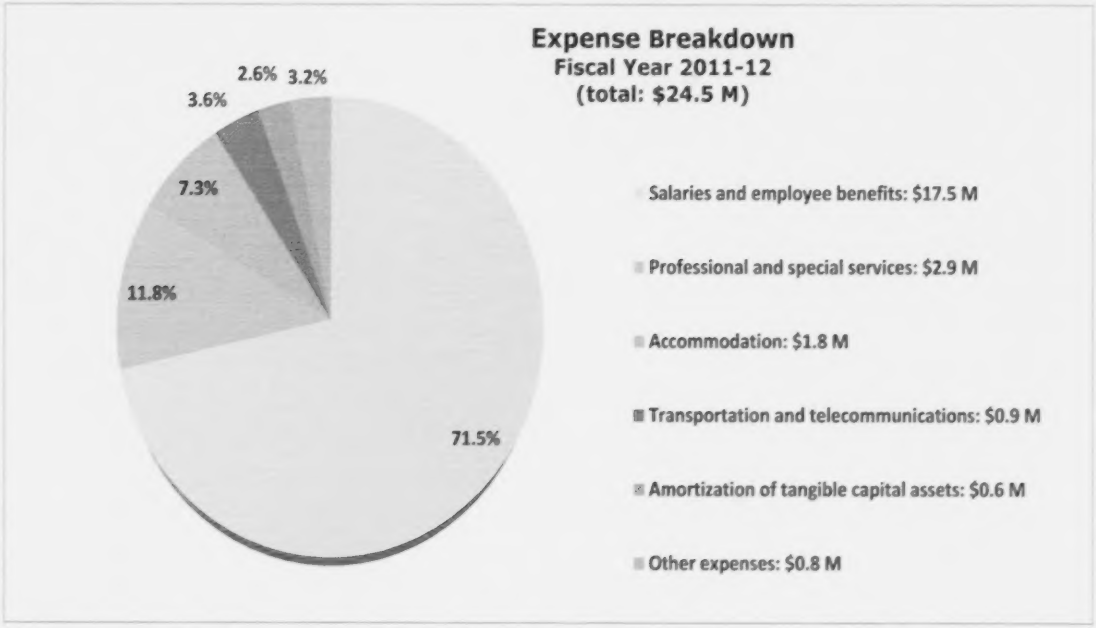
Condensed Statement of Operations and Net Financial Position (audited)
For the year ended March 31, 2012
($000)

	Change %	2011–12	2010–11
Total expenses	(2)	24,479	24,935
Total revenues	-	-	-
Net cost of operations before government funding and transfers	(2)	24,479	24,935
Net financial position	(42)	(1,461)	(2,532)

Expenditures declined 2% over the previous year. In 2010–11 OCOL had allocated more resources to management consultants than it did in 2011–12 because of the A-base review and IM/IT needs analysis.

Financial Highlights—Charts and Graphs





Financial Statements

Audited financial statements are available on OCOL's Web site[xxi]

List of Supplementary Information Tables

Electronic supplementary information tables listed in the *2011–12 Departmental Performance Report* can be found on OCOL's Web site [xxii]

- Internal audits and evaluations
- Report on user fees

Section IV: Other Items of Interest

Organizational Contact Information

For further information, visit OCOL's Web site[xxiii] or contact one of the following offices:

HEADQUARTERS

Canada Building
344 Slater Street
3rd Floor
Ottawa, Ontario
K1A 0T8

Tel.: 613-996-6368 or
1-877-996-6368
Fax: 613-993-5082
E-mail: information@ocol-clo.gc.ca

REGIONAL OFFICES

Atlantic Region
Moncton
Tel.: 506-851-7047 or
1-800-561-7109
Fax: 506-851-7046

Québec Region
Montréal
Tel.: 514-283-4996 or
1-800-363-0628
Fax: 514-283-6677

Ontario Region
Toronto
Tel.: 416-973-1903 or
1-800-387-0635
Fax: 416-973-1906

Sudbury
Tel.: 705-671-4101 or
1-888-272-3704
Fax: 705-671-4100

Manitoba and Saskatchewan Region
Winnipeg
Tel.: 204-983-2111 or
1-800-665-8731
Fax: 204-983-7801

Regina
Tel.: 306-780-7866 or
1-800-665-8731
Fax: 306-780-7896

Alberta, British Columbia, Northwest Territories, Yukon and Nunavut Region
Edmonton
Tel.: 780-495-3111 or
1-800-661-3642
Fax: 780-495-4094

Vancouver
Tel.: 604-666-5802 or
1-800-661-3642
Fax: 604-666-5803

Endnotes

[i] *Roadmap for Canada's Linguistic Duality 2008-13: Acting for the Future* (http://www.pch.gc.ca/slo-ols/strat-eng.cfm)

[ii] Air Canada (http://www.ocol-clo.gc.ca/html/audit_verification_092011_e.php)

[iii] *Leadership Competencies Profile for Official Languages* (http://www.ocol-clo.gc.ca/docs/e/Assessment_eng_11X17_Final.pdf)

[iv] *Self-Assessment Tool: Leadership Competencies for Official Languages* (http://www.ocol-clo.gc.ca/docs/e/self_assess_outil_auto_e.pdf

[v] *2011 Collection of Official Languages Resources* (http://osez-dare.ainc-inac.gc.ca/ldd/colr-eng.pdf)

[vi] *Organizing a Major Sporting Event in Canada: A Practical Guide to Promoting Official Languages* (http://www.ocol-clo.gc.ca/html/guide_032011_e.php)

[vii] new editor for its interactive map (http://www.ocol-clo.gc.ca/twolanguages_deuxlangues/index_e)

[viii] *Audit of Integrated Planning Practices* in April 2011 (http://www.ocol-clo.gc.ca/docs/e/ipp_ppi_2011_e.pdf)

[ix] *Audit of Parliamentary Relations* in June 2011 (http://www.ocol-clo.gc.ca/html/apr_vrp_2011_e.php)

[x] *Audit of the Regional Pilot Project 2012* in January 2012 (http://www.ocol-clo.gc.ca/html/arpp_vppr_2012_e.php)

[xi] Commissioner's *2008–09 Annual Report* (http://www.ocol-clo.gc.ca/html/ar_ra_2008_09_p3_e.php#section6)

[xii] Public Accounts 2012 is available on the Public Works and Government Services Canada Web site (http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html)

[xiii] Commissioner's *2008–09 Annual Report* (http://www.ocol-clo.gc.ca/html/ar_ra_2008_09_p3_e.php#section6)

[xiv] *2010–11 Annual Report*[xiv] (http://www.ocol-clo.gc.ca/docs/e/ar_ra_2010_11_e.pdf)

[xv] *The Vitality of Quebec's English-speaking Communities: from Myth to Reality* (http://www.parl.gc.ca/Content/SEN/Committee/411/ollo/rep/rep02oct11-e.pdf)

[xvi] *Air Canada's Obligations under the* Official Languages Act: *Towards Substantive Equality* (http://www.parl.gc.ca/Content/SEN/Committee/411/ollo/rep/rep03mar12-e.pdf)

[xvii] Interactive map (http://www.ocol-clo.gc.ca/twolanguages_deuxlangues/index_e)

[xviii] *Report on the Manitoba forum on the continuum of second-language learning opportunities* was published in May 2011 (http://www.ocol-clo.gc.ca/html/rmfc_rfmc_e.php)

[xix] *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities* (http://www.ocol-clo.gc.ca/html/stu_etu_102009_e.php)

[xx] *2010–11 Annual Report* (http://www.ocol-clo.gc.ca/html/ar_ra_2010_11_e.php)

[xxi] OCOL's Audited financial statements (http://www.ocol-clo.gc.ca/html/finstate_etatsfin_1112_e.php)

[xxii] Supplementary information tables (http://www.ocol-clo.gc.ca/html/dpr_rmr_2011_12_p5_e.php#s3.4)

[xxiii] http://www.ocol-clo.gc.ca/